

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GAELEN EDWARD SMILEY,

Plaintiff,

v.

1:14-CV-0641
(GTS/RFT)

GOLUB CORPORATION,

Defendant.

APPEARANCES:

GAELEN EDWARD SMILEY

Plaintiff, *Pro Se*
29 Clifford Road
Menands, New York 12204

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Gaelen Edward Smiley (“Plaintiff”) against Golub Corporation (“Defendant”) arising from Plaintiff’s termination of employment by Defendant in July 2003,¹ is United States Magistrate Judge Randolph F. Treece’s Report-Recommendation recommending that Plaintiff’s Complaint be *sua sponte* dismissed for failure to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). (Dkt. No. 5.) Plaintiff has not filed an objection to the Report-Recommendation and the time in which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing the relevant filings in this action, the Court can find no clear error in

¹ Generally, Plaintiff alleges that, because of his race, Defendant terminated his employment, subjected him to unequal terms and conditions of employment, and retaliated against him. (*See generally* Dkt. No. 1 [Complaint].)

the Report-Recommendation: Magistrate Judge Treece employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein. (Dkt. No. 5.)

ACCORDINGLY, it is

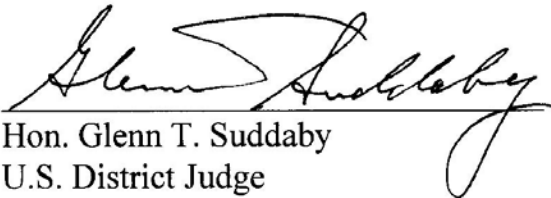
ORDERED that Magistrate Judge Treece's Report-Recommendation (Dkt. No. 5) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**.

The Clerk of the Court is directed to enter judgment for Defendant and close this case.

The Court certifies, for purposes of 28 U.S.C. § 1915(a)(3), that any appeal taken from this Decision and Order would not be taken in good faith.

Dated: February 10, 2015
Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge